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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,401	11/24/2000	Krister Hansson	TPP 31352	2813

7590

08/19/2003

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EXAMINER

PARKER, FREDERICK JOHN

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/718,401

Applicant(s)

HANSSON ET AL.

Examiner

Frederick J. Parker

Art Unit

1762

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): rejection of claims 1-25.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 30-38.

Claim(s) withdrawn from consideration: none.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Frederick J. Parker
Primary Examiner
Art Unit: 1762

Continuation of 5. does NOT place the application in condition for allowance because: at the outset, it is noted the rejection of claim 38 was not contested, and therefore remains rejected for the reasons of the Final Office Action. Regarding claims 30-34, Applicants argue the patentability is based upon the décor layer including a pattern derived from a transmitted digitized design. Put another way, Applicants allege patentability is based upon the pattern being derived from a digitized design and transmitted to a second location remote from a first location. The Examiner is not persuaded by the argument that GB'982 digitizes an image to form a silk screen which is then used to apply the image. This is NO DIFFERENT from claim 30 which requires selecting a digitized design (=image), transmitting it to a remote location, and printing the décor layer in a pattern derived from the digitized design. Clearly the issue of selecting a digitized design and transmitting it to a different/ remote location for printing does not distinguish over the prior art given the notoriously conventional and obvious use of ordinary transmission systems (FAX, e-mail, Internet, etc) in everyday life and business, as well as the concept of "custom ordering", a business practice available for decades to order everything from apparel to cars, drapes, wallpaper, and a myriad of other household and everyday items. Designs/ images/etc are selected at one location (e.g. a store) and transmitted to a second location for manufacture by means conventional and convenient for the time, e.g. FAX, e-mail, US mail, etc. Thus, claims 30-34 are obvious in view of the prior art and the rejection is maintained.

Regarding claims 35-37, it is unclear and unexplained how the Examiner's previous rejection is "impermissible hindsight". By Applicants' own admission, reducing a large image into a smaller one and dividing it up (e.g. jigsaw puzzle) is notoriously common and conventional. According to claim 35, the large design is reduced and divided into a plurality of segments, each bearing a portion of the reduced design, and then reassembling the elements to produce the designed decorative surface. This is simply the well-known concept of applying, for example, floral or scenic designs onto surface coverings, the designs being reduced from actual size and the adjacent wallpaper portions fitting together to form a whole image. The rejections are accordingly maintained.

Amendments to cancel claims 1-25, 28-29 would be entered to simplify issues and advance prosecution..